

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

DONNA L. WOOTEN, §
§
Plaintiff, §
§
v. § CASE NO. 4:08CV229
§
§
TYCO HEALTHCARE §
GROUP LP d/b/a COVIDIEN §
§
Defendant. §

**MEMORANDUM ADOPTING REPORT AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On April 30, 2009, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Defendant Tyco Healthcare Group LP d/b/a Covidien's Motion to Dismiss for Failure to State a Claim pursuant to Federal Rule of Civil Procedure 12(b)(6) (Dkt. 17) and Defendant's Renewed Motion to Dismiss for Failure to State a Claim (Dkt. 21) be GRANTED and that Plaintiff's case be dismissed with prejudice.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, this Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the Court. Therefore, Defendant Tyco Healthcare Group LP d/b/a Covidien's Motion to Dismiss for Failure to State a Claim pursuant to Federal Rule of Civil Procedure 12(b)(6) (Dkt. 17) and

Defendant's Renewed Motion to Dismiss for Failure to State a Claim (Dkt. 21) are GRANTED and Plaintiff's case is DISMISSED with prejudice.

IT IS SO ORDERED.

SIGNED this 21st day of May, 2009.



Michael H. Schneider
MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE